

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROGER DALE SMITH,

Petitioner(s),

vs.

UNITED STATES OF AMERICA,

Respondent(s).

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Case Number: 1:00cv542

1:97cr29-1

District Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on September 3, 2008 a Report and Recommendation (Doc. 118). Subsequently, the petitioner filed objections to such Report and Recommendations (Doc. 121).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, Petitioner's motion to vacate (Doc. 91) is **DENIED** and this case is **CLOSED**.

IT IS SO ORDERED.

___s/Susan J. Dlott___

Susan J. Dlott

United States District Judge